

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ESTATE OF NORMAN FRANK, by Its
Executor, Harley Frank,

Plaintiff,

v.

GWG DLP MASTER TRUST DATED
03/01/06 and WELLS FARGO BANK, N.A.,

Defendants.

C.A. No. 23-cv-00584-JLH

PROPOSED CERTIFICATION OF QUESTIONS OF LAW

In accordance with the Court’s September 26, 2024 Memorandum Order (D.I. 28) (the “Memorandum Order”), the parties hereby submit the following proposed Certification of Question(s) of Law for review by the Court prior to submission to the Delaware Supreme Court:

What is the statute of limitations, if any, applicable to a claim under DEL. CODE ANN. tit. 18, § 2704(b)?¹

¹ The Memorandum Order also indicates that, if a statute of limitations applies to Plaintiff’s claim, the Court is not persuaded on this record that (i) the claim did not accrue until the estate was opened; (ii) equitable tolling applies or (iii) Delaware’s Savings Statute, 10 *Del. C.* § 8118(a), applies. If, on certification, the Delaware Supreme Court holds that Plaintiff’s claim is subject to a statute of limitations, Plaintiff expressly reserves the right to contest or appeal from any ruling by this Court regarding whether (i) the claim did not accrue until the estate was opened; (ii) equitable tolling applies or (iii) Delaware’s Savings Statute, 10 *Del. C.* § 8118(a), applies.

November 14, 2024

AGREED TO BY AND BETWEEN:

RIGRODSKY LAW, P.A.

/s/ Herbert W. Mondros, Esq. (#3308)
Herbert W. Mondros, Esq. (#3308)
1007 Orange Street, Suite 453
Wilmington, DE 19801
Tel.: (302) 295-5304
hwm@rl-legal.com

MARCUS & MARCUS, LLC

Isaac A. Binkovitz (pro hac vice)
Jerome M. Marcus
Daniel C. Simons
A. Mayer Kohn

P.O. Box 212
Merion Station, PA 19066
Telephone: (215) 804-9666
Fax: (610) 664-1559
ibinkovitz@marcuslaw.us
jmarcus@marcuslaw.us
dsimons@marcuslaw.us
mkohn@marcuslaw.us

Attorneys for Plaintiff

K&L GATES LLP

/s/ Steven L. Caponi, Esq.
Steven L. Caponi Bar No. 3484
Matthew B. Goeller Bar No. 6283
Megan E. Hunt Bar No. 6569
600 N. King Street, Suite 901
Wilmington, DE 19801
Telephone: (302) 416-7000
steven.caponi@klgates.com
matthew.goeller@klgates.com
megan.hunt@klgates.com

ORRICK, HERRINGTON & SUTCLIFFE LLP

Khai LeQuang (admitted *pro hac vice*)
Aaron M. Rubin (admitted *pro hac vice*)
Janista Lee (admitted *pro hac vice*)

2050 Main Street
Suite 1100
Irvine, CA 92614-8255
Telephone: +1 949 567 6700
Facsimile: +1 949 567 6710
klequang@orrick.com
amrubin@orrick.com
janista.lee@orrick.com

Attorneys for Defendants